

NO. 22040

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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MARGUERITE HANAKEAWE, aka Marguerite Hanakeawe Johnston, and  
DENNIS HANAKEAWE, Plaintiffs-Appellants/Cross-Appellees

vs.

NANSAY HAWAII, INC., a Hawai'i corporation,  
Defendant-Appellee/Cross-Appellant

and

STATE OF HAWAI'I, DEPARTMENT OF LAND AND NATURAL RESOURCES, et  
al., Defendants-Appellees

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NANSAY HAWAII, INC., a Hawai'i corporation,  
Crossclaimant-Appellee/Cross-Appellant

vs.

HEIRS OF KAPENA and heirs of FRANK PIULU KAHAPEA,  
Crossclaim Defendants-Appellants/Cross-Appellees

and

HEIRS OF NAAUKIUKIU, et al., Crossclaim Defendants

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APPEAL FROM THE THIRD CIRCUIT COURT  
(CIV. NO. 90-316K)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Ramil, and Acoba, JJ.)

Upon review of the statements supporting and contesting jurisdiction and the record, it appears that the September 29, 1998 judgment, which entered judgment on some, but not all claims in Civil No. 90-316K, was not a final judgment and was not appealable until it was certified under HRCP 54(b) by judgment entered January 21, 1999. The notices of appeal filed on October 28, 1998 were not timely appeals from the January 21,

1999 certified judgment under HRAP 4(a)(2) (1984) because the appeals were filed before HRCP 54(b) certification was announced on December 14, 1998. See HRAP 4(a)(2); Wong v. Takeuchi, 83 Hawai'i 94, 99-102, 924 P.2d 588, 593-96 (App. 1996). Thus, we lack jurisdiction over these appeals. Therefore,

IT IS HEREBY ORDERED that the appeals of appellants Marguerite Hanakeawe and Dennis Hanakeawe and appellants Heirs of Frank Kahapea are dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, April 11, 2002.

